

## **RESOLUTION 22-2021**

### **EMERGENCY RESOLUTION ESTABLISHING STAGE 2 FIRE RESTRICTIONS IN JEFFERSON COUNTY AND RESCINDING RESOLUTION NO. 17-2021**

**WHEREAS**, on February 2, 2021 the Board of Jefferson County Commissioners passed Resolution No. 04-2021 establishing a controlled burning season for 2021 in Jefferson County; and,

**WHEREAS**, on July 7, 2021 the Board of Jefferson County Commissioners passed Resolution No. 17-2021 instituting Stage 1 fire restrictions; and,

**WHEREAS**, continued high temperatures and lack of precipitation have created an extreme wildland fire danger in Jefferson County; and,

**WHEREAS**, the weather forecasts for Jefferson County indicate little relief from the hot and dry conditions; and

**WHEREAS**, multiple wildland fires burning in the state, region, and in the western part of the United States, have resulted in a lack of firefighting resources necessary to fight new wildland fire startups. Because of the lack of resources and extreme wildland fire danger, the Jefferson County Commission finds the threat of new fire starts constitutes an emergency creating a substantial risk to the health, safety, and welfare of the citizens of Jefferson County; and,

**WHEREAS**, pursuant to Mont. Code Ann. § 7-33-2212 the Board of Jefferson County Commissioners declares all private land not under the jurisdiction of the municipalities or state or federal agencies to be a high fire hazard area.

**IT IS HEREBY RESOLVED**, by the Jefferson County Commissioners that **STAGE 2 Fire Restrictions** are in effect for all private lands in Jefferson County, due to extreme (and increasing) wildland fire danger; and

**IT IS FURTHER RESOLVED**, the following acts or uses are prohibited on all private lands in Jefferson County, Montana:

- a) All slash-burning, land-clearing fires, debris-burning, and open-burning.
- b) Building, maintaining, attending, or using a fire or campfire.
- c) Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials.

- d) Operating motor vehicles off designated roads and trails.
- e) The discharge of firearms.

The following acts are **prohibited from 1:00 p.m. to 1:00 a.m.:**

- a) Operating a chainsaw or other equipment powered by an internal combustion engine for felling, bucking, skidding, or firewood gathering.
- b) Outdoor welding or operating acetylene or other type torch with an open flame.
- c) The use of any explosive.
- d) A one-hour patrol in the work area is required following the cessation of all activities identified in a) through c) and any such activities shall have fire suppression equipment on hand.

**IT IS FURTHER RESOLVED**, the preceding restrictions are subject to the following exemptions:

- a) Persons with a written permit which specifically authorizes the otherwise prohibited act.
- b) Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
- c) Person using a cooking device solely fueled by liquid petroleum or LPG fuels which can be turned on and off, or persons using a barbeque which utilizes charcoal briquettes so long as such use is confined to residential use.
- d) Repair, maintenance, and construction of infrastructure, public utilities and railroads if adequate fire suppression equipment is on hand.
- e) Agricultural activities (other than open burning) unrelated to forest harvest if adequate fire suppression equipment is on hand.
- f) Operating generators with an approved spark arresting device within an enclosed vehicle or building or in an area that is barren or cleared of all overhead and surrounding materials within three feet of the generator.
- g) Residential and commercial lawn and grounds maintenance.
- h) Construction site activities on private lands, including the construction of roads, utilities, and residential and commercial structures if adequate fire suppression equipment is on hand.
- i) All land within a city boundary.
- j) State, federal, and tribal lands.
- k) Firearms are permitted to be discharged while engaged in legally licensed hunting activities.

**AN EXEMPTION DOES NOT ABSOLVE AN INDIVIDUAL OR ORGANIZATION FROM LIABILITY OR RESPONSIBILITY FOR ANY FIRE STARTED BY THE EXEMPTED ACTIVITY.**

**IT IS FURTHER RESOLVED** Resolution No. 17-2021 is hereby rescinded and superseded by this resolution, Resolution No. 22-2021.

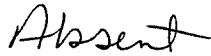
**IT IS FURTHER RESOLVED** this resolution becomes effective at 12:01 a.m. on Saturday, July 31, 2021 and shall remain in effect until such time as it may be amended or rescinded by the Board of Jefferson County Commissioners.

**PASSED AND APPROVED** this 29 day of July, 2021 by the Board of County Commissioners, Jefferson County, Montana.

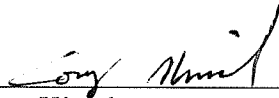
**Jefferson County Commission**



Leonard Wortman  
Chair

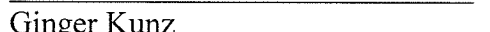


Bob Mullen  
Commissioner



Cory Kirsch  
Commissioner

**Attest:**

  
Ginger Kunz  
Jefferson County Clerk and Recorder